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8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) 2:04-CR-0442-WBS  
12 )  
Plaintiff, ) PRELIMINARY ORDER OF  
13 ) FORFEITURE  
v. )  
14 )  
AMIR NOSHIN, )  
15 )  
Defendant. )  
16 )

17 Based upon the plea agreement entered into between plaintiff  
18 United States of America and defendant Amir Noshin, it is hereby  
19 ORDERED, ADJUDGED AND DECREED as follows:

20 1. Pursuant to 18 U.S.C. § 1029(c)(1)(C, defendant Amir  
21 Noshin's interest in the following property shall be condemned and  
22 forfeited to the United States of America, to be disposed of  
23 according to law:

- 24 1. 2 black skimmers; and  
25 2. Computer used to store credit card numbers.  
26 2. The above-listed property constitutes personal property  
27 used, and intended to be used, in any manner or part, to commit and  
28 to facilitate the commission of a violation of 18 U.S.C. § 1029.

1           3. Pursuant to Rule 32.2(b), the Attorney General (or a  
2 designee) shall be authorized to seize the above-described property.  
3 That the aforementioned forfeited property shall be seized and held  
4 by the United States Secret Service, in its secure custody and  
5 control.

6           4. a. Pursuant to 18 U.S.C. § 1029(c)(2) incorporating 21  
7 U.S.C. § 853(n), and Local Rule 83-171, the United States forthwith  
8 shall publish at least once for three successive weeks in the Daily  
9 Recorder (Sacramento County) and in the Mountain Democrat (El Dorado  
10 County), newspapers of general circulation located in the counties  
11 in which the above-described property was seized, notice of this  
12 Order, notice of the Attorney General's (or a designee's) intent to  
13 dispose of the property in such manner as the Attorney General may  
14 direct, and notice that any person, other than the defendant, having  
15 or claiming a legal interest in the above-listed property must file  
16 a petition with the Court within thirty (30) days of the final  
17 publication of the notice or of receipt of actual notice, whichever  
18 is earlier.

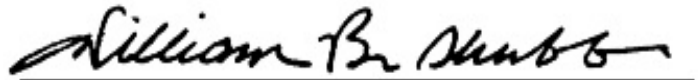
19           b. This notice shall state that the petition shall be for  
20 a hearing to adjudicate the validity of the petitioner's alleged  
21 interest in the property, shall be signed by the petitioner under  
22 penalty of perjury, and shall set forth the nature and extent of the  
23 petitioner's right, title or interest in the forfeited property and  
24 any additional facts supporting the petitioner's claim and the  
25 relief sought.

26           c. The United States may also, to the extent practicable,  
27 provide direct written notice to any person known to have alleged an  
28 interest in the property that is the subject of the Order of

1 Forfeiture, as a substitute for published notice as to those persons  
2 so notified.

3 5. If a petition is timely filed, upon adjudication of all  
4 third-party interests, if any, this Court will enter a Final Order  
5 of Forfeiture pursuant to 18 U.S.C. § 1029(c)(1)(C) in which all  
6 interests will be addressed.

7 SO ORDERED this 15th day of December, 2005.

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10 WILLIAM B. SHUBB  
11 UNITED STATES DISTRICT JUDGE  
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